

Press ReleaseNational Labor Relations Board Office of the General Counsel

July 12, 2010

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NLRB negotiates \$900,000 settlement for two fired Texas workers

The Texas Dental Association has distributed \$900,000 in back pay awards to two former employees who were fired in relation to a petition complaining of poor management and unfair treatment.

The Association also agreed to post a notice informing employees that they cannot be fired for acting together for mutual benefit and protection.

The case grew out of a meeting of employees in 2006 that resulted in a petition to delegates of the association, which represents more than 7,000 dentists in Texas. The petition, signed by 11 employees using aliases, asked for an outside investigation of management and working conditions at the association's Austin headquarters.

The delegates declined to authorize an investigation, and the association director initiated an investigation that included a forensic study of office computers. One employee who had helped write the petition was fired after a fragment of it was found on his computer. The second employee, a supervisor who refused to divulge the names of employees involved in the petition, was also fired.

An Administrative Law Judge found the first employee was unlawfully fired for engaging in protected activity, and that the supervisor was fired for refusing to engage in unlawful activity by divulging the employees' identities. The Judge's ruling was upheld by the National Labor Relations Board in Washington. The employer then appealed the NLRB decision to the Fifth Circuit Court of Appeals, and the NLRB filed for enforcement of its decision.

While the case was pending, the settlement was reached through the Board's Alternative Dispute Resolution Program with Fifth Circuit mediation. The two former employees waived their rights to reinstatement and the association agreed to provide a neutral reference.

"This settlement was made possible by the hard work of many NLRB employees, including trial attorney Robert Perez, compliance officer Charlene Donovan, Deputy Assistant General Counsel Margaret Gaines and Attorney Jeffrey Burritt," said Martha Kinard, director of the NLRB Regional Office in Fort Worth. "We hope it sends a message to employees that they have a right to act together to improve their working conditions, with or without a union."

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

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